

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:09CR61
vs.)	
)	ORDER
JIMMY LEVERING,)	
)	
Defendant.)	

This matter is before the court on the defendant's Motion (Doc. 30) to stay the court's May 20, 2009 order (Doc. 29) authorizing the use of reasonably necessary force to collect DNA exemplars. An expedited briefing schedule will be entered due to the June 23, 2009 trial date.

IT IS ORDERED:

1. Execution of the court's May 20, 2009 order (Doc. 29) is stayed.
2. Defendant is given until and including **May 28, 2009** to file a brief in support of his position.
3. The United States shall file its response to the defendant's brief no later than **June 4, 2009**.
4. The court will determine whether an evidentiary hearing is necessary upon the expiration of this briefing schedule.
5. The trial of this matter remains set for June 23, 2009.

DATED May 21, 2009.

BY THE COURT:

s/ **F.A. Gossett**
United States Magistrate Judge